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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 977 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? Yes

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

VIRAMBHAI K AJARA

Versus

DIRECTOR GENERAL OF POLICE

Appearance:

MR YN OZA for Petitioner

M/S MG DOSHIT & CO for Respondent No. 1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 01/08/96

ORAL JUDGEMENT

Virambhai K.Ajara was working as PSI at the time
of filing of this petition has filed the present petition
to challenge the order of suspension against him on
11.1.85.

2. The allegations against the present petitioner was that he was misusing his position as PSI in order to pressurise the voters in the constituency of his father and thereby he had misconducted. The petitioner has alleged that in view of the nature of the charge against him, the order of suspension was not at all justified and the order of suspension was in the nature of punishment. He has sought for interim relief against suspension order till the disposal of this petition and the same relief was granted to him by the interim order dated 25.5.85. Now more than 11 years have passed since the passing of the said interim order. In view of this situation and the fact that there was no stay order against the departmental inquiry initiated against him, I hold that the suspension order in question deserves to be quashed particularly in view of the fact that the nature of the alleged misconduct and the fact that a separate departmental inquiry was also initiated against the petitioner, I therefore allow this petition and set aside the suspension order passed against the petitioner on 11.1.85.

3. The learned advocate for the petitioner contended that he did not know what has happened about the departmental inquiry and that as per the departmental inquiry in case if the petitioner is exonerated for the same, then he would make a claim for releasing of his pay and allowances.

Rule is made absolute. Parties to bear their respective costs.

(S.D.Pandit.J)